

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

AT CHARLESTON

IN RE: SERZONE PRODUCTS
LIABILITY LITIGATION

MDL NO. 1477

ENTERED

JUL - 1 2003

SAMUEL L. KAY, CLERK
U.S. District & Bankruptcy Courts
Southern District of West Virginia

This Document Relates to:

CHRISSY ANN GALYEAN, JAMES A.
JOHNSON, EDWARD L. WARREN,
individually and on behalf of all others
similar situated,

Plaintiffs,

v.

From the United States District
Court for the Northern District of Illinois
Civil Action No. SDWV 2:02-1194

BRISTOL-MYERS SQUIBB COMPANY,
INC.,

Defendant.

AGREED ORDER OF DISMISSAL

On this day came the plaintiffs, Chrissy Ann Galyean, James A. Johnson, and Edward L. Warren, by counsel, and came defendant, Bristol-Myers Squibb Company, by counsel, and represented to the Court that the plaintiffs have agreed to voluntarily dismiss, without prejudice, the above styled matter, Civil Action No. 2:02-1194 in the United District Court for the Southern District of West Virginia (which case was originally filed in the United

States District Court for the Northern District of Illinois). Defendant has agreed to a dismissal of this civil action with the agreement from plaintiffs and an order from this Court that should these plaintiffs, or any of them, decide to re-file this civil action, or any of the claims, issues and/or causes of action set forth in the Complaint herein, that said re-filing must be in a United States District Court.

WHEREUPON, the said plaintiffs moved the Court for the entry of an order dismissing all claims, actions, and causes of actions asserted by said plaintiffs in the above-referenced civil action against the said defendant from the docket of the Court, without prejudice, and requests that the Court enter an Order reflecting the agreement between said plaintiffs and the defendant regarding the re-filing of this matter, or any of the claims asserted herein, by any of these plaintiffs, should that occur, solely in a United States District Court.

Having heard the representations of counsel and hearing no objection thereto, said motion is hereby GRANTED and it is accordingly ADJUDGED, ORDERED, and DECREED that all claims, actions, and causes of action set forth in the above-styled civil action shall be, and the same hereby are dismissed, without prejudice, and it is further ORDERED, and this dismissal is granted upon the express condition, that if the said plaintiffs, or any of them, were to re-file this matter, or any action raising the claims, issues and/or causes of action set forth in the Complaint herein at any time in the future, such filing must take place in a United States District Court.

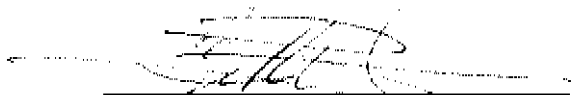
It is further ORDERED that the said plaintiffs and defendant shall each bear their own costs and expenses in and about the prosecution and defense of this action.

The Clerk is directed to forward a certified copy of this Agreed Order of Dismissal to all counsel of record herein.

Entered this 1 day of July, 2003.


Joseph R. Goodwin, Judge

PRESENTED BY:


Michael B. Victorson (WVSN: 3868)

Rob J. Aliff (WVSN: 7415)

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